

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RONALD RAY WINTERS,)
Plaintiff,)
v.) C.A. No. 06-33 Erie
OFFICE OF CHILDREN AND YOUTH)
SERVICES, et al,)
Defendants.)

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on February 10, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on May 30, 2006, recommended that this complaint be dismissed as legally frivolous in accordance with 28 U.S.C. § 1915(d). The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at SCI Fayette, where he is incarcerated, and on Defendants. No objections were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 2 Day of July, 2006;

IT IS HEREBY ORDERED that Plaintiff's complaint is DISMISSED as legally frivolous in accordance with 28 U.S.C. § 1915(d).

The report and recommendation of Magistrate Judge Baxter, dated May 30, 2006, is adopted as the opinion of the court.


MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

cc: all parties of record _____